

**CUMMINGS MCGLONE**  
**& ASSOCIATES**

*Public Relations*

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September 30, 1999

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

William E. Kennard  
Chairman  
Federal Communications Commission

Washington, D.C. 20554

Ex Parte Communication  
WT Docket No. 99-217/CC Docket No. 96-98

Dear Chairman Kennard:

It is my understanding that the FCC is considering the issue of restrictions imposed by multi-tenant building owners on the ability of their tenants to receive service from their telecommunications carrier of choice. I also understand that many of the building owners have told the FCC that landlords have a market-based incentive to accommodate the needs of their tenants so that FCC action requiring telecommunications carrier access to multi-tenant buildings is not warranted. I write to tell you that my personal experience demonstrates otherwise.

My company, Cummings McGlone & Associates, is a small business that leases space in a multi-tenant building in Dallas, Texas. Cummings McGlone & Associates is an extensive user of advanced telecommunications services and sought to take Internet, long distance and local services from Teligent, a competitive telecommunications carrier. The Teligent sales representatives informed me that while they could provide me with long distance service, they would be unable to provide me the Internet and local telephone services I had requested from them because they were unable to secure access to my building.

I contacted the manager of my building several times to try to discuss the matter and to let her know that I felt it was important to my business to have access to a telecommunications carrier such as Teligent. Notwithstanding my numerous attempts, the building manager never returned my calls. Teligent's sales representatives were kind enough to try contacting my building manager themselves but, apparently, she refused to speak with them. In light of the futility of these efforts, I visited the building manager personally to speak with her about gaining access for Teligent's facilities. She explained unequivocally that she had no interest in permitting competitive telecommunications carriers to install facilities in the building and did not want companies putting holes in the building structure. She told me she had absolutely no intention of letting Teligent into the building to serve me and that if my company wanted Teligent's services, it would have to move out of the building.

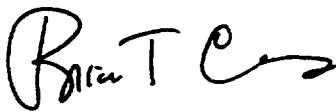
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The Hon. William E. Kennard  
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Only a facilities-based provider with broadband capabilities can meet the telecommunications needs of my company. As a result, my *only* choice of local telephone companies is Southwestern Bell. I know that Congress intended that telecommunications competition be available across the country and that the FCC was given responsibility to implement those goals. So, I write you to tell you that telecommunications competition is not available to me because of the restrictions imposed by my landlord. The cost of moving locations is prohibitively expensive and I urge the FCC to take action so that my company and others like it can use their telecommunications carrier of choice.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Brian Cummings", with a stylized flourish at the end.

Brian Cummings

CC: FCC Commissioner Furchgott-Roth  
FCC Commissioner Ness  
FCC Commissioner Powell  
FCC Commissioner Tristani  
Pat Wood, III, Texas PUC Chairman  
Texas PUC Commissioner Perlman  
Texas PUC Commissioner Walsh

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**OCT 8 - 1999**

**FCC MAIL ROOM**

**William E. Kennard  
Communications Commission  
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